

Tuesday, May 21, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.

Supervisor Mecham: provides a brief history of Memorial Day and its meaning; and comments on the success of the recent Veterans Stand Down event in San Luis Obispo.

Board Members: comment on the passing of Mr. Howard Mankins, former Board of Supervisor and Mayor of Arroyo Grande, with Chairperson Teixeira, requesting a moment of silence for Mr. Mankins.

Consent Agenda – Review and Approval:

1-18. This is the time set for consideration of the Consent Agenda.

Chairperson Teixeira: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

Consent Agenda - Board of Supervisors Items:

1. Submittal of a resolution recognizing Frank Sommers for 35 years of dedicated service to the fire department and to the citizens of Atascadero.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-109, adopted.

Consent Agenda - General Services Agency Items:

2. Request to approve a use permit and lease agreement for the rental of terminal office space by the Transportation Security Administration at the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve an agreement with SAP Public Services in support of the County’s SAP Enterprise Financial System for a four year term, not to exceed \$913,740.

Ms. Jeannette Watson: speaks.

The Board approves as recommended by the County Administrative Officer.

4. Submittal of a resolution recognizing the month of June 2013 as Women's Golf Month at all San Luis Obispo County owned or operated golf courses.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-110, adopted.

Consent Agenda - Health Agency Items:

5. Request to approve an amendment to the contract with the California Department of Corrections and Rehabilitation (CDCR) providing outpatient Drug and Alcohol Services, removing errant language included by the CDCR regarding advance payment and leaving all other provisions of the contract remaining the same.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

6. Request to approve an amendment (Clerk's File) with Aspen Environmental Group, Inc. in the amount of \$116,843, to continue mitigation monitoring for the California Valley Solar Ranch (CVSR/SunPower) Conditional Use Permit (DRC2008-00097). District 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

7. Submittal of bid opening report for the 2013 Chip Seal, Various County Roads, San Luis Obispo County, to award the subject contract to Intermountain Slurry Seal, the lowest responsible bidder, in the amount of \$816,250. Districts 1, 2, and 5.

Ms. Linde Owen: speaks.

The Board approves as recommended by the County Administrative Officer.

8. Submittal of a Letter of Commitment for Proposition 50 (Water Security) grant funding in the amount of \$2,975,000 for the Santa Margarita Emergency Water Intertie Project, and a request to authorize a budget adjustment in the amount of \$345,000, for a General Fund loan for project development. Districts 1 and 5.

Mr. Tom Trott - Public Works: reads into the record a revision to the recommendation.

Ms. Julie Tacker: speaks.

This item is amended by replacing the recommendation to read: "It is our recommendation that your Honorable Board authorize the Public Works Director to execute a Proposition 50 grant funding Letter of Commitment for a modified Santa Margarita Emergency Water Intertie Project, if California Department of Public Health expresses a possibility of project funding." Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

9. Submittal of a resolution permitting road construction projects performed by County forces. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-111, adopted.

10. Submittal of a resolution amending the Traffic Regulation Code establishing through highways on West and East Centre Streets and a thirty-five mile per hour speed limit on a portion of West Centre Street, Shandon. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-112, adopted.

11. The following parcel map has been received and has satisfied all the conditions of approval that were established at the public hearing for lot line adjustment COAL 12-0068, a proposed lot line adjustment resulting in 2 lots by Augusta Tagliaferri, Lake Nacimiento. District 1.

Mr. Doug Rion – County Surveyor: amends this item by correcting the Applicant's first name.

The Board amends this item correcting the Applicant's first name to read: "Augustus" not "Augusta". Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

12. Submittal of a resolution establishing the 2013-14 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Burton Drive Road Improvement Zone. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-113, adopted.

13. Submittal of a resolution establishing the 2013-14 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Bradford Road and Pierce Avenue Improvement Zone. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-114, adopted.

14. Submittal of a resolution establishing the 2013-14 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Bradford Road Improvement Zone. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-115, adopted.

15. Submittal of a resolution establishing the 2013-14 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Madison Street Road Improvement Zone. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-116, adopted.

16. Submittal of a resolution establishing the 2013-14 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Camborne Place Road Improvement Zone. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-117, adopted.

17. Submittal of a resolution establishing the 2013-14 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Orville Avenue Improvement Zone. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-118, adopted.

18. Submittal of a resolution establishing the 2013-14 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Castle Street Road Improvement Zone. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION 2013-119, adopted.

Presentations:

19. Presentation of Richard J. Weyhrich Leadership Scholarship awards to students.

Ms. Anne Robertson – San Luis Obispo County Community Foundation and Ms. Katie Miller – Scholarship Committee Chairperson: speak.

Mr. Donn Clickard – Atascadero Unified School District Board of Trustee: introduces the following Richard J. Weyhrich recipients: Ms. Sabrina Dunn, Templeton High School; Mr. Cameron Holt, Paso Robles High School; Ms. Bennett McManus, Coast Union High School; Ms. Ella Moberg, Mission College Preparatory Catholic High School; Ms. Emma Phillips, San Luis Obispo High School; Ms. Ariana Shakibnia, San Luis Obispo High School; Mr. Kyle, Berlin, Arroyo Grande High School; Mr. Alex Hascall, Nipomo High School; Ms. Riley Nilsen, Nipomo High School; Ms. Morgan Tompkins, Atascadero High School; Ms. Shelby Warren, Atascadero High School; and Mr. Kash Dierksheide, Del Rio Continuation High School, with Supervisors presenting each student with their awards. **No action taken.**

Public Comment Period:

- 20.** This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Dr. C. Hite: provides her appreciation for the improvements in public transportation, the housing authority and Sheriff's Department; thanks the volunteers who held the fund raising sale at the Los Osos Community Center; and comments on the citizens of Los Osos and Los Osos Wastewater Project (LOWWP).

Mr. Eric Greening: comments on the future of the next generation and hydraulic fracking.

Ms. Linde Owen (handout); Mr. Ben DiFatta, Ms. Julie Tacker and Mr. Richard Margetson: address various comments and concerns relating to the LOWWP. Additionally, Mr. Margetson commends Ms. McManus who received a Richard Weyhrich Scholarship award and comments on the recent tornadoes in Oklahoma.

Mr. Bob Blair: comments on the passing of Howard Mankins; gas prices in Nevada; the impacts of Cap and Trade in California; the proposal to lower the two-thirds vote on taxes to 55 percent; and Assembly Bill (AB) 146.

Mr. Brian Stacy: speaks to the various issues regarding conspiracy.

Ms. April McLaughlin: thanks Supervisor Arnold for her assistance with the Latino Outreach Council's (LOC) Cindo De Mayo events in Oceano and North County and comments on Chairperson Teixeira's absence at the event held in Oceano. **No action taken.**

Board Business:

- 21.** Submittal of the Fiscal Year 2012-13 Third Quarter Financial Report.

Chairperson Teixeira: opens the floor to public comment without response.

The Board: 1) receives, reviews and files the Fiscal Year 2012-13 Third Quarter Financial Report; 2) accepts cash donations in a total amount of \$54,226.03 on behalf of Animal Services, Department of Social Services, Parks, and Library, and approves associated adjustments as outlined in Section 4 of the FY 2012-13 Third Quarter Financial Report; 3) approves requests by the Department of Social Services and Public Works Department for relief from accountability for uncollectable debt in the amounts of \$66,849.16 and \$5,133.94 respectively, as outlined in Section 4 of the FY 2012-13 Third Quarter Financial Report; 4) approves a budget adjustment in the amount of \$50,000 using General Fund contingencies to fund unanticipated expenditures related to a capital murder trial in FC 135 – Public Defender; 5) approves a budget adjustment in Fund Center (FC) 181- Foster Care and Adoptions to increase expenditure appropriation by \$286,538 to be funded by unanticipated realignment revenue; 6) approves a budget adjustment in FC 185- General Assistance to increase expenditure appropriation by \$110,259 to be funded by unanticipated Supplemental Security Income (SSI) reimbursements; 7) amends the Fixed Asset List for the Sheriff's Office to include a software interface in the amount of \$19,130; 8) approves a budget adjustment financed by the Inmate Welfare Trust Fund (IWF) in the amount of \$35,551 for the camera project in FC 136 – Sheriff-Coroner and amends the Fixed Asset List to add a server and storage for the camera surveillance system for the Sheriff's Office in the amount of \$35,014; 9) approves a budget adjustment to approve the use of the California Law Enforcement Equipment Program (CLEEP) funding in the amount of \$31,280 to cover the Records Management System (RMS) upgrade in FC

136 – Sheriff-Coroner and amends the Fixed Asset List to add the RMS upgrade in the amount of \$35,752; 10) approves a budget adjustment in the amount of \$133,611 using Public Facilities Fees - Library collected during FY 2012-13 to make the annual loan payment, and increases the Designated Fund Balance - Library Cambria in the General Government Building Replacement Fund by a corresponding amount; 11) amends the Fixed Asset List for Fund Center 109 - Assessor to add software in the amount of \$30,000 to integrate the County’s Arc GIS Database into the Assessor’s Assessment Evaluation Services (AES) software; 12) approves a request from the General Services Agency to declare 14 vehicles as surplus, authorizes their removal from the County fleet, and authorizes their sale to recover salvage value in accordance with County Code Section 2.36.030(5); and sitting as the Board for the San Luis Obispo Flood Control and Water Conservation District : 13) approves a budget adjustment in the amount of \$50,000 to transfer funds from the San Luis Obispo County Flood Control and Water Conservation District Reserves to Flood Control Fund 19 to cover the cost of additional staffing efforts on the Groundwater Management Plan for the Paso Robles Groundwater Basin.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

Hearings:

22. Hearing to consider public testimony regarding the renewal of the San Luis Obispo County Tourism Business Improvement District (CBID) and continued levy of assessments for FY 2013-14.

Ms. Diane Stacklin – Stewardship Travel (powerpoint): speaks.

Chairperson Teixeira: opens the floor to public comment without response. Further, opens the floor for oral or written protests from affected businesses without response.

Ms. Rita Neal – County Counsel: requests a recommendation be added to declare the ordinance renewed as set forth in the Resolution of Intention, dated April 16, 2013.

Clerk: states 3 protests have been received from the participating business lodging owners, totaling 7.56 percent, which does not constitute a majority.

The Board receives public testimony regarding the renewal of the San Luis Obispo County Tourism Business Improvement District (CBID) and continued levy of assessments; receives and files the 2013 Annual Report of the San Luis Obispo County Tourism Business Improvement District and declares the ordinance renewed as set forth in the Resolution of Intention, dated April 16, 2013.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

Board Business:

23. Submittal of a resolution to surplus and sell 48 County-owned real properties in the unincorporated area of Cayucos to a qualified land conservancy, authorizing the Chairperson of the Board to open

written bids received by 5:00 PM on May 20, 2013 by the General Services Agency and to conduct an auction. District 2.

Chairperson Teixeira: opens the floor to public comment without response.

Ms. Caryn Maddalena - Real Property Manager: presents Chairperson Teixeira with one sealed bid to be opened and announced.

Chairperson Teixeira: opens and reads the bid submitted by Cayucos Land Conservancy for an offer to purchase said properties in the amount of \$5,000.00. Further, opens the floor to oral bids without response.

The Board conducts a public auction and accepts the offer from Cayucos Land Conservancy for \$5,000.00 and RESOLUTION NO. 2013-120, a resolution of approval to surplus and sell County-owned real property located in the unincorporated area of Cayucos to a qualified land conservancy, adopted. Further, the Board authorizes the Chairperson to sign the Quitclaim Deed that shall be prepared by the County Real Property Manager following the auction.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

Mr. Greg Bettencourt – Cayucos Land Conservancy: speaks.

24.
- Request to approve a notice to preserve deed restrictions on the main parking area at First and San Francisco Streets in Avila Beach, owned by the Port San Luis Harbor District. District 3.

Chairperson Teixeira: opens the floor to public comment.

Mr. Steve McGrath - Port San Luis Harbor District Harbor Manager: speaks.

Board Members: discuss the Harbor District coming back to present their parking management plan; provide clarification on their vision for the future of the property and the other potential uses on the parking lot; and address the option to Quitclaim the property to the Harbor District if their proposal is consistent with existing deed restrictions that came with the gift of the property.

The Board approves the Notice of Intent to Preserve Interest; instructs the Chairperson to sign and instructs the Clerk-Recorder to record the Notice, with the understanding that by the end of summer, a proposal will be brought back to the Board to consider, as discussed, with perhaps a Quitclaim Deed on the Consent Agenda if the Board feels confident that the public's interest has been preserved.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

Closed Session Items:

25.
- The Board announces they will be going into Closed Session regarding:

- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
- A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. County of San Luis Obispo v. Giacomazzi, et al.; 2. In re Los Osos Community Services District (Bankruptcy); 3. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo; 4. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water).
- B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 6. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

Chairperson Teixeira: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

26. Submittal of a resolution proclaiming May 22, 2013 as "No Place for Hate® Day" in San Luis Obispo County.

Ms. Michele Gordon – San Luis Obispo Anti-Defamation League (ADL) Advisory Committee, Ms. Rachel Conrad - Friday Night Live Coordinator and Ms. Claire Lindsay – Friday Night Live Member: speak.

RESOLUTION NO. 2013-121, a resolution proclaiming May 22, 2013 as “No Place for Hate® Day” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

27. Submittal of a resolution to recognize May as "National Foster Care Month" in San Luis Obispo County.

Ms. Tracy Schiro – Department of Social Services: speaks.

RESOLUTION NO. 2013-122, a resolution proclaiming May as “National Foster Care Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

28. Submittal of a resolution proclaiming the week of May 19-25, 2013 as "National Emergency Medical

Services Week."

Mr. Steve Lieberman – Public Health Emergency Medical Services (EMS): speaks.

RESOLUTION NO. 2013-123, a resolution proclaiming the week of May 19-25, 2013 as National Emergency Medical Services Week, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

Board Business:

29. Presentation of the 2012 Annual Agricultural Statistics.

Chairperson Teixeira: opens the floor to public comment without response and receives and files the 2012 Annual Agricultural Statistics for San Luis Obispo County.

30. Presentation by San Luis Obispo Council of Governments on the U. S. Highway 101 Mobility Study.

Ms. Jessica Berry - San Luis Obispo Council of Governments (SLOCOG) (powerpoint): speaks.

Chairperson Teixeira: opens the floor to public comment.

Mr. Eric Greening: speaks.

Chairperson Teixeira: receives the San Luis Obispo Council of Government’s U. S. Highway 101 Mobility Study.

Hearings:

31. Annual Review of County Growth Rate in accordance with Title 26 of the County Code, Growth Management Ordinance and submittal of a resolution approving the annual growth rate for the unincorporated areas of the county. All Districts.

Ms. Jo Manson – Planning and Building: clarifies that this item is “Board Business” not a “Hearing” as shown on the Agenda.

Chairperson Teixeira: opens the floor to public comment.

Mr. Muril Cliff; Mr. Eric Greening and Ms. Amanda Rice: speak.

Board Members: discuss various questions and concerns regarding the necessary steps that need to occur in order to change the growth rate for Cambria from zero and further amend the Growth Management Ordinance.

Supervisor Arnold: outlines her concerns with supporting staff’s recommendations.

RESOLUTION NO. 2013-124, a resolution of the Board of Supervisors of the County of San Luis Obispo approving the proposed growth rate and an additional carryover of 10% of the maximum allotment from the previous year for use in Fiscal Year 2013-14, resulting in an additional 110 units County-wide, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)		x		

32. Hearing to consider an amendment to Title 26 of the County Code, the Growth Management Ordinance, regarding fiscal year reference updates for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2013-2014 and extension of the allocation waiting list for Los Osos. Districts 2 & 4.

Chairperson Teixeira: opens the floor to public comment without response.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3241, an ordinance amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance, adopted.

Motion by: Bruce S. Gibson

Second by: Paul A. Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Supervisor)	x			
Hill, Adam (Supervisor)	x			
Arnold, Debbie (Supervisor)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, May 21, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: May 31, 2013